

Copyright Law and the Web

Where can I find information about Copyright law?

Title 17 of the **United States Code**.

The U.S. Copyright Office website provides an overview of many copyright issues. The Kalamazoo Public Law Library holds a copy of the United States Code.

When is a work considered copyrighted?

“Your work is under copyright protection the moment it is created and fixed in a tangible form that it is perceptible either directly or with the aid of a machine or device.” Registering a copyright is voluntary.

Source: www.copyright.gov

May I post a copyrighted work on my blog?

You must obtain direct permission (through license or otherwise) when reproducing, adapting, distributing, performing in public, or displaying in public (including websites, blogs, etc.) a copyrighted work (images, song lyrics, sheet music, etc.). The copyrighted work is protected under the **Exclusive Rights** section (Section 106) of Title 17, which

addresses the reproduction, preparation, distribution, performance, and display of a work. Once authorship of a work is claimed, a work is imbued with statutory protections including giving the author the right to limit or set conditions for the use of the work. However, it may be possible to use a copyrighted work in accordance with the **Fair Use** exception (Section 107) of Title 17.

What is considered *Fair Use*?

The Fair Use exception allows use of copyrighted material based on factors that limit or qualify exclusive rights, including **purpose** and **character** of use. Other factors include nature of the work, amount/sustainability, and potential monetary effect on the market. Fair use commonly includes criticism, commentary, news reporting, teaching, research, and scholarship.

May I post a URL on my website?

You do not have to obtain permission to post URLs and links to copyrighted materials on other websites or brief excerpts for very narrow and specific purposes of news reporting, comment, or criticism under section 107. Providing source attribution is recommended.

How do I ask for permission to use a copyrighted work?

- Request permission from a copyright owner by email or postal mail
- Describe specific use requested, including what materials will actually be used
- Save copies of the granted permission

How long does a work remain copyrighted?

There are many variables that must be considered when determining the date of expiration of a copyrighted work, however, the simple rule of thumb is:

- All published works created before 1923 are in the Public Domain
- All unpublished works created before 1883 are in the Public Domain

Where can I find appropriate content for my website that is in the public domain?

It is important to always double check the copyright status of a work. However, there are many web resources that will help you to locate images, music, and text that are not protected by copyright.

<http://creativecommons.org/>
<http://www.pdinfo.com/>
http://pointie.com/free_photos/
<http://www.freeimages.com/photos.php>

**This legal information is not intended to be a substitute for legal advice. You should talk with an attorney if you have any questions about how this information applies to your own problem or facts.*

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